

FILED
JAMES BONINI
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF OHIO

07 DEC 12 PM 1:44

UNITED STATES OF AMERICA,
Respondent,

vs

GERALD HENDRIX,

Defendant,

Criminal No. 1-02-010
(JUDGE DLOTT)

MG

DEFENDANT'S MOTION TO HOLD IN ABEYANCE UNTIL FURTHER NOTICE

NOW COMES, defendant Gerald Hendrix pro-se respectfully request this court hold defendant 18 USC § 3582(c)(2) motion in ABEYANCE until the Sentencing Commission, rules upon make §2D1.(c) retroactively, allowing defendant to proceed in reducing his current prison sentence.

The government will not be prejudice by this ruling, also, the government cited U.S. vs Dullen, 15 F.3d 68,69-70 (6th Cir. 1994) should not apply to defendant's. Defendant has been imprison over eight (8) years, where Dullen's has just got sentenced ten weeks later sentencing commission amended § 3E1.1 to provides an extra one-level decrease for accepts responsibility for his offense.

Defendant argument will be Sentencing Commission stament commentary policy will provide the back ground for defendant reduction once enacted at a later date.

Respectfully submitted

Gerald Hendrix

Gerald Hendrix 03511-061
P.O.Box 10
Lisbon, Ohio 44432

CERTIFICATE OF SERVICE

I, certify that a true copy of defendant motion to hold in ABEYANCE until further notice was mail to Kenneth L. Parker Assistant US Attorney at 221 East Fourth Street Suite 400 Cincinnati, Ohio 45202 on this 29th day of November 2007.



Gerald Hendrix